

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

RONALD WADE,	:	
	:	
Petitioner,	:	Case No. 3:07-cv-346
	:	
v.	:	JUDGE WALTER HERBERT RICE
	:	
WARDEN, LEBANON	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	
	:	

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DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE JUDGE (DOC. #10) IN THEIR  
ENTIRETY, OVERRULING PETITIONER'S OBJECTIONS TO REPORT AND  
RECOMMENDATIONS (DOC. #19); DISMISSING PETITION WITH  
PREJUDICE; DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO  
APPEAL *IN FORMA PAUPERIS*, TERMINATION ENTRY<sup>1</sup>

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Based on the reasoning and citations of authority set forth in the Report and  
Recommendations of the United States Magistrate Judge, filed November 10, 2009  
(Doc. #10), as well as on a thorough *de novo* review of this Court's file and the

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<sup>1</sup>The Magistrate Judge's Report and Recommendations were previously  
adopted by this Court, see Doc. #13, after the Court erroneously concluded that  
no objections had been filed in timely fashion. In her Supplemental Report and  
Recommendations, Doc. #17, the Magistrate Judge, noting this error, vacated this  
Court's prior judgment, ordered the Objections to be separately filed, see Doc.  
#19. This Court has thoroughly considered those Objections in rendering its  
decision herein.

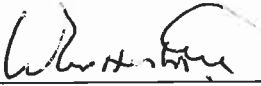
applicable law, said judicial filing is adopted in its entirety. Petitioner's objections (Doc. #19) are overruled, and his Petition for a Writ of Habeas Corpus is dismissed with prejudice on all three grounds for relief.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability and denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner, dismissing petition for writ of habeas corpus with prejudice on all grounds.

This case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 19, 2011

  
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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to: Petitioner  
Counsel for Respondent